

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 20 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANCISCO LUCAS, Jr.,

Defendant-Appellant.

No. 22-50064

D.C. No.

8:21-cr-00017-JVS-1

Central District of California,
Santa Ana

ORDER

Before: WALLACE, HURWITZ, and BADE, Circuit Judges.

A judge of this court has called for a vote to determine whether this case should be reheard en banc.

The parties are directed to file simultaneous briefs setting forth their respective positions on whether this case should be reheard en banc. The parties are directed to focus on the issue of whether the clear and convincing standard applies for factual findings that have an extreme impact on the sentence in light of *Beckles v. United States*, 580 U.S. 256 (2017). The briefs shall not exceed 15 pages unless they comply with the alternative length limitation of 4,200 words, and they shall be filed within twenty-one (21) days of the date of this order.